

(d) The certificate holder shall make all maintenance records required to be kept by this section available for inspection by the Administrator or any authorized representative of the National Transportation Safety Board (NTSB).

[Doc. No. 10658, 37 FR 15983, Aug. 9, 1972, as amended by Amdt. 121-251, 60 FR 65933, Dec. 20, 1995; Amdt. 121-321, 71 FR 536, Jan. 4, 2006]

§ 121.380a Transfer of maintenance records.

Each certificate holder who sells a U.S. registered aircraft shall transfer to the purchaser, at the time of sale, the following records of that aircraft, in plain language form or in coded form at the election of the purchaser, if the coded form provides for the preservation and retrieval of information in a manner acceptable to the Administrator:

(a) The record specified in § 121.380(a)(2).

(b) The records specified in § 121.380(a)(1) which are not included in the records covered by paragraph (a) of this section, except that the purchaser may permit the seller to keep physical custody of such records. However, custody of records in the seller does not relieve the purchaser of his responsibility under § 121.380(c) to make the records available for inspection by the Administrator or any authorized representative of the National Transportation Safety Board (NTSB).

[Doc. No. 10658, 37 FR 15984, Aug. 9, 1972]

Subpart M—Airman and Crewmember Requirements

SOURCE: Docket No. 6258, 29 FR 19212, Dec. 31, 1964, unless otherwise noted.

§ 121.381 Applicability.

This subpart prescribes airman and crewmember requirements for all certificate holders.

§ 121.383 Airman: Limitations on use of services.

(a) No certificate holder may use any person as an airman nor may any person serve as an airman unless that person—

(1) Holds an appropriate current airman certificate issued by the FAA;

(2) Has any required appropriate current airman and medical certificates in his possession while engaged in operations under this part; and

(3) Is otherwise qualified for the operation for which he is to be used.

(b) Each airman covered by paragraph (a)(2) of this section shall present either or both certificates for inspection upon the request of the Administrator.

(c) [Reserved]

(d) No certificate holder may:

(1) Use the services of any person as a pilot on an airplane engaged in operations under this part if that person has reached his or her 65th birthday.

(2) Use the services of any person as a pilot in command in operations under this part between the United States and another country, or in operations between other countries, if that person has reached his or her 60th birthday unless there is another pilot in the flight deck crew who has not yet attained 60 years of age.

(e) No pilot may:

(1) Serve as a pilot in operations under this part if that person has reached his or her 65th birthday.

(2) Serve as a pilot in command in operations under this part between the United States and another country, or in operations between other countries, if that person has reached his or her 60th birthday unless there is another pilot in the flight deck crew who has not yet attained 60 years of age.

[Doc. No. 6258, 29 FR 19212, Dec. 31, 1964, as amended by Amdt. 121-144, 43 FR 22646, May 25, 1978; Amdt. 121-344, 74 FR 34234, July 15, 2009]

§ 121.385 Composition of flight crew.

(a) No certificate holder may operate an airplane with less than the minimum flight crew in the airworthiness certificate or the airplane Flight Manual approved for that type airplane and required by this part for the kind of operation being conducted.

(b) In any case in which this part requires the performance of two or more functions for which an airman certificate is necessary, that requirement is not satisfied by the performance of

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multiple functions at the same time by one airman.

(c) The minimum pilot crew is two pilots and the certificate holder shall designate one pilot as pilot in command and the other second in command.

(d) On each flight requiring a flight engineer at least one flight crewmember, other than the flight engineer, must be qualified to provide emergency performance of the flight engineer's functions for the safe completion of the flight if the flight engineer becomes ill or is otherwise incapacitated. A pilot need not hold a flight engineer's certificate to perform the flight engineer's functions in such a situation.

[Doc. No. 6258, 29 FR 19212, Dec. 31, 1964, as amended by Amdt. 121-178, 47 FR 13316, Mar. 29, 1982; Amdt. 121-256, 61 FR 30434, June 14, 1996]

§ 121.387 Flight engineer.

No certificate holder may operate an airplane for which a type certificate was issued before January 2, 1964, having a maximum certificated takeoff weight of more than 80,000 pounds without a flight crewmember holding a current flight engineer certificate. For each airplane type certificated after January 1, 1964, the requirement for a flight engineer is determined under the type certification requirements of § 25.1523.

[Doc. No. 5025, 30 FR 6067, Apr. 29, 1965]

§ 121.389 Flight navigator and specialized navigation equipment.

(a) No certificate holder may operate an airplane outside the 48 contiguous States and the District of Columbia, when its position cannot be reliably fixed for a period of more than 1 hour, without—

(1) A flight crewmember who holds a current flight navigator certificate; or

(2) Specialized means of navigation approved in accordance with § 121.355 which enables a reliable determination to be made of the position of the airplane by each pilot seated at his duty station.

(b) Notwithstanding paragraph (a) of this section, the Administrator may also require a flight navigator or special navigation equipment, or both,

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when specialized means of navigation are necessary for 1 hour or less. In making this determination, the Administrator considers—

- (1) The speed of the airplane;
- (2) Normal weather conditions en route;
- (3) Extent of air traffic control;
- (4) Traffic congestion;
- (5) Area of navigational radio coverage at destination;
- (6) Fuel requirements;
- (7) Fuel available for return to point of departure or alternates;
- (8) Predication of flight upon operation beyond the point of no return; and

(9) Any other factors he determines are relevant in the interest of safety.

(c) Operations where a flight navigator or special navigation equipment, or both, are required are specified in the operations specifications of the air carrier or commercial operator.

[Doc. No. 10204, 37 FR 6464, Mar. 30, 1972, as amended by Amdt. 121-178, 47 FR 13316, Mar. 29, 1982]

§ 121.391 Flight attendants.

(a) Each certificate holder shall provide at least the following flight attendants on each passenger-carrying airplane used:

(1) For airplanes having a maximum payload capacity of more than 7,500 pounds and having a seating capacity of more than 9 but less than 51 passengers—one flight attendant.

(2) For airplanes having a maximum payload capacity of 7,500 pounds or less and having a seating capacity of more than 19 but less than 51 passengers—one flight attendant.

(3) For airplanes having a seating capacity of more than 50 but less than 101 passengers—two flight attendants.

(4) For airplanes having a seating capacity of more than 100 passengers—two flight attendants plus one additional flight attendant for each unit (or part of a unit) of 50 passenger seats above a seating capacity of 100 passengers.

(b) If, in conducting the emergency evacuation demonstration required under § 121.291 (a) or (b), the certificate holder used more flight attendants than is required under paragraph (a) of this section for the maximum seating

capacity of the airplane used in the demonstration, he may not, thereafter, take off that airplane—

(1) In its maximum seating capacity configuration with fewer flight attendants than the number used during the emergency evacuation demonstration; or

(2) In any reduced seating capacity configuration with fewer flight attendants than the number required by paragraph (a) of this section for that seating capacity plus the number of flight attendants used during the emergency evacuation demonstration that were in excess of those required under paragraph (a) of this section.

(c) The number of flight attendants approved under paragraphs (a) and (b) of this section are set forth in the certificate holder's operations specifications.

(d) During takeoff and landing, flight attendants required by this section shall be located as near as practicable to required floor level exits and shall be uniformly distributed throughout the airplane in order to provide the most effective egress of passengers in event of an emergency evacuation. During taxi, flight attendants required by this section must remain at their duty stations with safety belts and shoulder harnesses fastened except to perform duties related to the safety of the airplane and its occupants.

[Doc. No. 2033, 30 FR 3206, Mar. 9, 1965, as amended by Amdt. 121-30, 32 FR 13268, Sept. 20, 1967; Amdt. 121-46, 34 FR 5545, Mar. 22, 1969; Amdt. 121-84, 37 FR 3975, Feb. 24, 1972; Amdt. 121-88, 37 FR 5606, Mar. 17, 1972; Amdt. 121-159, 45 FR 41593, June 19, 1980; Amdt. 121-176, 46 FR 61454, Dec. 17, 1981; Amdt. 121-180, 47 FR 56463, Dec. 16, 1982; Amdt. 121-251, 60 FR 65933, Dec. 20, 1995]

EFFECTIVE DATE NOTE: At 75 FR 68198, Nov. 5, 2010, §121.391 was amended by revising paragraph (a) introductory text, effective Jan. 4, 2011. For the convenience of the user, the revised text is set forth as follows:

§ 121.391 Flight attendants.

(a) Except as specified in §121.393 and §121.394, each certificate holder must provide at least the following flight attendants on board each passenger-carrying airplane when passengers are on board:

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§ 121.393 Crewmember requirements at stops where passengers remain on board.

At stops where passengers remain on board, the certificate holder must meet the following requirements:

(a) On each airplane for which a flight attendant is not required by §121.391(a), the certificate holder must ensure that a person who is qualified in the emergency evacuation procedures for the airplane, as required in §121.417, and who is identified to the passengers, remains:

(1) On board the airplane; or

(2) Nearby the airplane, in a position to adequately monitor passenger safety, and:

(i) The airplane engines are shut down; and

(ii) At least one floor level exit remains open to provide for the deplaning of passengers.

(b) On each airplane for which flight attendants are required by §121.391(a), but the number of flight attendants remaining on board is fewer than required by §121.391(a), the certificate holder must meet the following requirements:

(1) The certificate holder shall ensure that:

(i) The airplane engines are shut down;

(ii) At least one floor level exit remains open to provide for the deplaning of passengers; and

(iii) the number of flight attendants on board is at least half the number required by §121.391(a), rounded down to the next lower number in the case of fractions, but never fewer than one.

(2) The certificate holder may substitute for the required flight attendants other persons qualified in the emergency evacuation procedures for that aircraft as required in §121.417, if these persons are identified to the passengers.

(3) If only one flight attendant or other qualified person is on board during a stop, that flight attendant or other qualified person shall be located in accordance with the certificate holder's FAA-approved operating procedures. If more than one flight attendant or other qualified person is on board, the flight attendants or other qualified persons shall be spaced

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throughout the cabin to provide the most effective assistance for the evacuation in case of an emergency.

[Doc. No. 28154, 60 FR 65934, Dec. 20, 1995]

§ 121.394 Flight attendant requirements during passenger boarding and deplaning.

(a) During passenger boarding, on each airplane for which more than one flight attendant is required by § 121.391, the certificate holder may:

(1) Reduce the number of required flight attendants by one, provided that:

(i) The flight attendant that leaves the aircraft remains within the immediate vicinity of the door through which passengers are boarding;

(ii) The flight attendant that leaves the aircraft only conducts safety duties related to the flight being boarded;

(iii) The airplane engines are shut down; and

(iv) At least one floor level exit remains open to provide for passenger egress; or

(2) Substitute a pilot or flight engineer employed by the certificate holder and trained and qualified on that type airplane for one flight attendant, provided the certificate holder—

(i) Describes in the manual required by § 121.133:

(A) The necessary functions to be performed by the substitute pilot or flight engineer in an emergency, to include a situation requiring an emergency evacuation. The certificate holder must show those functions are realistic, can be practically accomplished, and will meet any reasonably anticipated emergency; and

(B) How other regulatory functions performed by a flight attendant will be accomplished by the substitute pilot or flight engineer on the airplane.

(ii) Ensures that the following requirements are met:

(A) The substitute pilot or flight engineer is not assigned to operate the flight for which that person is substituting for a required flight attendant.

(B) The substitute pilot or flight engineer is trained in all assigned flight attendant duties regarding passenger handling.

(C) The substitute pilot or flight engineer meets the emergency training

requirements for flight attendants in evacuation management and evacuation commands, as appropriate, and frequency of performance drills regarding operation of exits in the normal and emergency modes on that type aircraft.

(D) The substitute pilot or flight engineer is in possession of all items required for duty.

(E) The substitute pilot or flight engineer is located in the passenger cabin.

(F) The substitute pilot or flight engineer is identified to the passengers.

(G) The substitution of a pilot or flight engineer for a required flight attendant does not interfere with the safe operation of the flight.

(H) The airplane engines are shut down.

(I) At least one floor-level exit remains open to provide for passenger egress.

(b) During passenger deplaning, on each airplane for which more than one flight attendant is required by § 121.391, the certificate holder may reduce the number of flight attendants required by that paragraph provided:

(1) The airplane engines are shut down;

(2) At least one floor level exit remains open to provide for passenger egress; and

(3) The number of flight attendants on board is at least half the number required by § 121.391, rounded down to the next lower number in the case of fractions, but never fewer than one.

(c) If only one flight attendant is on the airplane during passenger boarding or deplaning, that flight attendant must be located in accordance with the certificate holder's FAA-approved operating procedures. If more than one flight attendant is on the airplane during passenger boarding or deplaning, the flight attendants must be evenly distributed throughout the airplane cabin, in the vicinity of the floor-level exits, to provide the most effective assistance in the event of an emergency.

(d) The time spent by any crewmember conducting passenger boarding or deplaning duties is considered duty time.

[Doc. No. FAA-2009-0022, 75 FR 68198, Nov. 5, 2010]

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EFFECTIVE DATE NOTE: At 75 FR 68198, Nov. 5, 2010, §121.394 was added, effective Jan. 4, 2011.

§ 121.395 Aircraft dispatcher: Domestic and flag operations.

Each certificate holder conducting domestic or flag operations shall provide enough qualified aircraft dispatchers at each dispatch center to ensure proper operational control of each flight.

[Doc. No. 28154, 61 FR 2611, Jan. 26, 1996]

§ 121.397 Emergency and emergency evacuation duties.

(a) Each certificate holder shall, for each type and model of airplane, assigned to each category of required crewmember, as appropriate, the necessary functions to be performed in an emergency or a situation requiring emergency evacuation. The certificate holder shall show those functions are realistic, can be practically accomplished, and will meet any reasonably anticipated emergency including the possible incapacitation of individual crewmembers or their inability to reach the passenger cabin because of shifting cargo in combination cargo-passenger airplanes.

(b) The certificate holder shall describe in its manual the functions of each category of required crewmembers under paragraph (a) of this section.

[Doc. No. 2033, 30 FR 3206, Mar. 9, 1965, as amended by Amdt. 121-7, 30 FR 6727, May 18, 1965]

Subpart N—Training Program

SOURCE: Doc. No. 9509, 35 FR 90, Jan. 3, 1970, unless otherwise noted.

§ 121.400 Applicability and terms used.

(a) This subpart prescribes the requirements applicable to each certificate holder for establishing and maintaining a training program for crewmembers, aircraft dispatchers, and other operations personnel, and for the approval and use of training devices in the conduct of the program.

(b) For the purpose of this subpart, airplane groups are as follows:

(1) *Group I.* Propeller driven, including—

- (i) Reciprocating powered; and
- (ii) Turbopropeller powered.

(2) *Group II.* Turbojet powered.

(c) For the purpose of this subpart, the following terms and definitions apply:

(1) *Initial training.* The training required for crewmembers and dispatchers who have not qualified and served in the same capacity on another airplane of the same group.

(2) *Transition training.* The training required for crewmembers and dispatchers who have qualified and served in the same capacity on another airplane of the same group.

(3) *Upgrade training.* The training required for crewmembers who have qualified and served as second in command or flight engineer on a particular airplane type, before they serve as pilot in command or second in command, respectively, on that airplane.

(4) *Differences training.* The training required for crewmembers and dispatchers who have qualified and served on a particular type airplane, when the Administrator finds differences training is necessary before a crewmember serves in the same capacity on a particular variation of that airplane.

(5) *Programmed hours.* The hours of training prescribed in this subpart which may be reduced by the Administrator upon a showing by the certificate holder that circumstances justify a lesser amount.

(6) *Inflight.* Refers to maneuvers, procedures, or functions that must be conducted in the airplane.

(7) *Training center.* An organization governed by the applicable requirements of part 142 of this chapter that provides training, testing, and checking under contract or other arrangement to certificate holders subject to the requirements of this part.

(8) *Requalification training.* The training required for crewmembers previously trained and qualified, but who have become unqualified due to not having met within the required period the recurrent training requirements of